**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

70439.00003

First Named Inventor: Gaetano T Montelione

Art Unit: Unkn

Application Number: 10/536,705

Examiner: Unknown

Filed: June 26, 2004

Title: RIBOSOMAL RNA METHYLTRANSFERASES RImA: TARGET VALIDATION AND PROCESSES  
FOR DEVELOPING AN INHIBITOR ASSAY AND IDENTIFICATION OF CANDIDATE INHIBITORS

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (571) 272-3282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by  
the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the  
period set for reply in the Office notice or action plus any extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.**

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed  
before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

**1. Petition fee**☒ Small entity - fee \$ 250 (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(l)).**2. Reply and/or fee**A The reply and/or fee to the above-noted Office action in the form of  
Response to Notification of Missing Requirements (identify the type of reply):☒ has been filed previously on March 8, 2006☒ is enclosed herewith.

B The issue fee of \$ \_\_\_\_\_

☐ has been filed previously on \_\_\_\_\_☐ is enclosed herewith.08/25/2006 H8UTENA1 00000035 501943 10536705  
01 FC:2452 250.00 DA

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# **PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

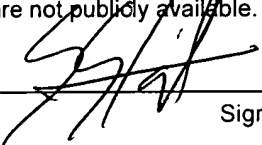
## **3. Terminal disclaimer with disclaimer fee**

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## **4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.**

### **WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
 \_\_\_\_\_  
 Signature  
 Shahnam Sharareh  
 \_\_\_\_\_  
 Typed or printed name

8/23/06  
 \_\_\_\_\_  
 Date  
 59,040  
 \_\_\_\_\_  
 Registration Number, if applicable  
 609 844-3030  
 \_\_\_\_\_  
 Telephone Number

Fox Rothschild LLP, 997 Lenox Drive, Bldg. #3  
 \_\_\_\_\_  
 Address  
 Lawrenceville, NJ 08648 United States of America  
 \_\_\_\_\_  
 Address

Enclosure ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unavoidable delay

☐ \_\_\_\_\_

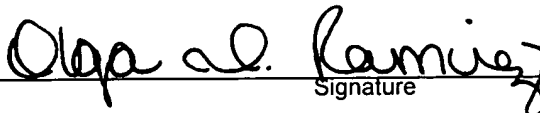
### **CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

8/23/06  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Signature

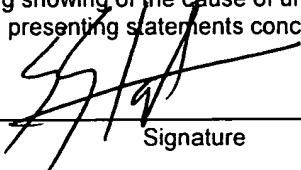
Olga I. Ramirez

\_\_\_\_\_  
 Typed or printed name of person signing certificate

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Signature

Shahnam Sharareh

Typed or printed name

8/23/06

Date

August 23, 2006

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

SEE ATTACHED DOCUMENTS

(Please attach additional sheets if additional space is needed.)



already authorized the Office to charge the \$65.00 small fee in compliance with the rules. However, it appears that the Office had not charged the correct Account No. 50-1943. For such reason, Applicants contends that the delay was unavoidable under 37 C.F.R § 1.137 (a).

In the alternative, Applicant states that the entire delay in filing the required reply from the due date of the required reply until the filing of a grantable petition under 37 C.F.R § 1.137(b) was unintentional (See attached Form PTO/SB/64).

#### **AUTHORIZATION OF THE PETITION FEE**

We authorize withdrawal of the petition fee set forth in 37 C.F.R. 1.17 (i) or (m) and any fees under 37 C.F.R §§ 1.16-1.21 that are deemed to be necessary for any reason relating to the instant material, as required for small entity status, from Fox Rothschild, LLP Deposit Account No. 50-1943.

#### **CONCLUSION**

Applicants believe that the requirements of the regulation is satisfied. Accordingly, Applicants respectfully request revival of the instant application under either 37 C.F.R. § 1.137 (a) or (b).

Date: August 23, 2006

Respectfully Submitted

By 

Shahnam Sharareh, PharmD  
Attorney for Applicants  
Registration No. 59,040  
FOX ROTHSCHILD LLP  
Princeton Pike Corporate Center  
997 Lenox Crive, Building 3  
Lawrenceville, NJ 08648-2311  
Tel: 609-844-3030  
Fax: 609-896-1469

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
70439.00003

First named inventor: Gaetano T. Montelione

Application No.: 10/536,705

Art Unit: Unknown

Filed: June 26, 2004

Examiner: Patricia A. Booker

Title: RIBOSOMAL RNA METHYLTRANSFERASES RlmA: TARGET VALIDATION AND PROCESSES FOR DEVELOPING  
AN INHIBITOR ASSAY AND IDENTIFICATION OF CANDIDATE INHIBITORS

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FAX (571) 273-8300

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action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration  
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in  
the form of Response to Notification of Missing Requirements (identify type of reply):

- ☒ has been filed previously on March 8, 2006.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the  
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to  
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U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED  
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02 FC:2453

750.00 DA

## 3. Terminal disclaimer with disclaimer fee

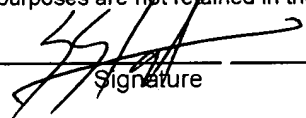
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☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

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\_\_\_\_\_  
Signature

8/23/06  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Shahnam Sharareh  
\_\_\_\_\_  
Typed or printed name

\_\_\_\_\_  
Registration Number, if applicable

\_\_\_\_\_  
Fox Rothschild, LLP  
\_\_\_\_\_  
Address

\_\_\_\_\_  
609-844-3030  
\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
997 Lenox Drive, Bldg. #3, Lawrenceville, NJ 08648  
\_\_\_\_\_  
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

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\_\_\_\_\_  
August 23, 2006

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Olga I. Ramirez

\_\_\_\_\_  
Typed or printed name of person signing certificate